

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IN RE: BEXTRA AND CELEBREX  
MARKETING SALES PRACTICES AND  
PRODUCT LIABILITY LITIGATION,

CASE NO. 05-1699 CRB

MDL No. 1699 CRB

**ORDER RE JULY 9, 2009  
SUBMISSION**

*This document relates to:*

Edward Earl Thomas, 06-3674 CRB

The Court received on July 9, 2009 a new letter from pro se plaintiff Edward E. Thomas captioned “supplemental brief, appeal de no, emergency appeal, and motion ‘time violation’/conflict of interest.” The letter asks this Court to send Plaintiff legal materials relating to product liability, as well as a lawyer. It goes on to complain about mail fraud and threats from other inmates involving family members.

The Court has repeatedly advised Plaintiff that he may challenge the conditions of his incarceration in an appropriate forum, but that such a challenge is beyond the scope of Plaintiff’s suit against Pfizer, Inc. In addition, the Court is not in a position to send Plaintiff legal materials, and will not appoint him counsel. There is no constitutional right to counsel in a civil case unless an indigent litigant may lose his physical liberty if he loses the litigation. See Lassiter v. Dep’t of Social Servs., 452 U.S. 18, 25 (1981); Rand v. Rowland, 113 F.3d 1520, 1525 (9th Cir. 1997), reh’g en banc on other grounds, 154 F.3d 952 (9th Cir. 1998). Plaintiff has not demonstrated, nor claimed, that he is indigent or at risk of losing his physical liberty.

1 To the extent Plaintiff has made a motion to this Court it is DENIED.  
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3 **IT IS SO ORDERED.**



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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE